

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

WANDA GRAVES, Individually and for)
Others Similarly Situated,)

Plaintiff,)

v.)

Case No.: 1:24-cv-01031-TWP-TAB

FRANCISCAN ALLIANCE, INC. d/b/a)
FRANCISCAN HEALTH,)

Defendant.)

JOINT MOTION FOR ENTRY OF STIPULATED PROTECTIVE ORDER

Plaintiff Wanda Graves (“Graves”) and Defendant Franciscan Alliance, Inc. d/b/a Franciscan Health (“Franciscan”) (collectively, the “parties”) jointly request that the Court enter a protective order pursuant to Federal Rule of Civil Procedure 26(c). In support of their motion, the parties state as follows:

1. The parties have agreed upon a proposed Stipulated Protective Order (“Protective Order”), a copy of which is attached as Exhibit 1.

2. The purpose of the Protective Order is to preserve and maintain the confidentiality of certain protected information, (a) non-public business records, the disclosure of which could result in competitive or economic harm to Franciscan or invade the privacy of individuals; (b) personnel and employee files, which may include, but are not limited to, payroll records, compensation information, tax information, benefit information, performance evaluations, and other general employment records, and (c) “Protected Health Information” or “PHI”.

3. Federal Rule of Civil Procedure 26(c) provides for the issuance of a protective order limiting the disclosure and use of information for good cause.

4. It is possible discovery will involve employment files or records of Franciscan's current employees and/or former employees. Such employment files or records may contain confidential, private, and personal information, the disclosure of which could invade the privacy rights of current and former employees. *See Graham v. Casey's General Stores*, 206 F.R.D. 251, 257 (S.D. Ind. 2002) (noting "a privacy interest in personnel and employment files").

5. Since Franciscan is a healthcare provider, it is also possible that discovery may contain "Protected Health Information" or "PHI" including health information that is connected to a patient's name, address, or other identifying information subject to the provisions of the Privacy Act, 5 U.S.C. § 552a, the provisions of 45 C.F.R. §§ 164.102-164.534, the provisions of 42 U.S.C. § 1306. Accordingly, the parties require a "qualified protective order" within the meaning of 45 C.F.R. § 164.512(e)(1)(v).

6. The parties seek a protective order governing disclosure of protected information pursuant to *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943 (7th Cir. 1999), and its progeny. *See also Baxter Int'l v. Abbott Laboratories*, 297 F.3d 544 (7th Cir. 2002).

7. This motion is justified and supported by good cause pursuant to Federal Rule of Civil Procedure 26(c).

WHEREFORE, the parties, by counsel, respectfully request that the Court enter the attached Stipulated Protective Order as an order of this Court, and grant all other relief proper in the premises.

Respectfully submitted,

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